

## IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 10-0141

**ORIGINAL**

STATE OF MONTANA,

Plaintiff and Appellee,

v.

ALEXANDER S. HOVEY,

Defendant and Appellant.

FILED

AUG 02 2010

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA**MOTION FOR EXTENSION OF TIME  
AND AFFIDAVIT IN SUPPORT**

NOW COMES, Garrett R. Norcott, counsel of record for Defendant and Appellant, and respectfully requests an extension of time until September 8, 2010, in which to prepare, file, and serve the Appellant's opening brief in the above-entitled matter. In support of this motion, undersigned counsel respectfully submits the following affidavit.

Respectfully submitted this 2 day of August, 2010.

OFFICE OF THE STATE PUBLIC DEFENDER  
Appellate Defender Office  
139 N. Last Chance Gulch  
P.O. Box 200145  
Helena, MT 59620-0145

By: 

Garrett R. Norcott  
Assistant Appellate Defender

STATE OF MONTANA            )  
  : ss.

County of Lewis and Clark    )

I, Garrett R. Norcott, being first duly sworn upon my oath, depose and state as follows:

1.     I am a licensed, practicing attorney in the State of Montana, and am currently employed by the Office of State Public Defender, Appellate Defender Office, as an Assistant Appellate Defender.

2.     In my capacity as Assistant Appellate Defender, I have been assigned to handle the above-entitled matter.

3.     The Appellant's brief was first due on July 10, 2010. The brief is presently due on August 9, 2010.

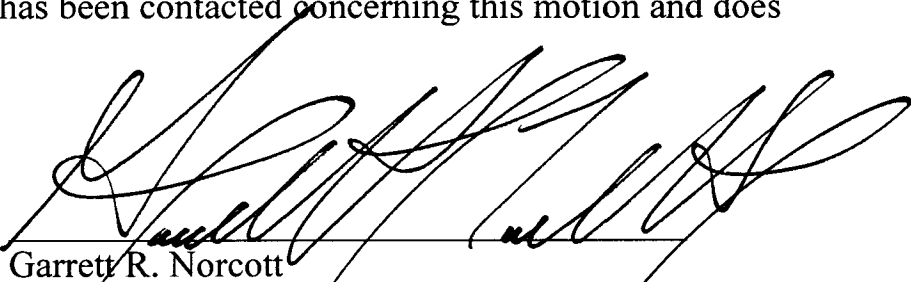
4.     I have been reviewing the record, which is fairly lengthy, for the past two weeks and I have recently begun researching applicable law.

5.     I have had to balance other work while reviewing the record and researching applicable law.

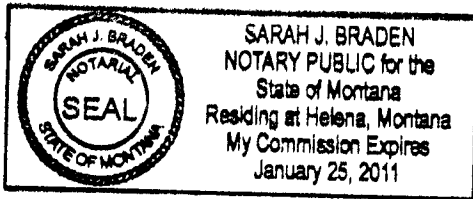
6.     I have requested my client contact me to discuss his pending appeal, however our communication has been limited.

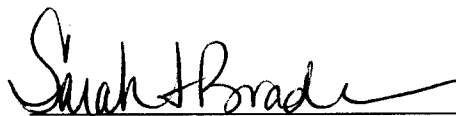
7.     To properly ascertain possible issues on appeal and to adequately brief meritorious claims, additional time is required.

8. I will work diligently to complete the matter in the time requested.
9. Opposing counsel has been contacted concerning this motion and does not object.

  
Garrett R. Norcott

SUBSCRIBED AND SWORN to before me this 2nd day of  
AUGUST, 2010.



  
Sarah J. Braden

**CERTIFICATE OF SERVICE**

I hereby certify that I caused a true and accurate copy of the foregoing  
Motion for Extension of Time and Affidavit in Support to be mailed to:

STEVE BULLOCK  
Montana Attorney General  
MARK MATTIOLI  
Assistant Attorney General  
215 North Sanders  
P.O. Box 201401  
Helena, MT 59620-1401

FRED R. VAN VALKENBURG  
Missoula County Attorney  
200 West Broadway  
Missoula MT 59802

ALEXANDER S. HOVEY 38885  
Montana State Prison  
700 Conley Lake Road  
Deer Lodge, MT 59722

DATED: \_\_\_\_\_

August 2, 2010 